

**BEFORE THE PUBLIC EMPLOYEE RELATIONS BOARD
OF THE STATE OF KANSAS**

In the Matter of Unit Determination of)
Appropriate Bargaining Units for Employees)
of the State of Kansas)

KANSAS DEPARTMENT OF)
ADMINISTRATION (KDOA),)

Petitioner,)

Case No.: 75-UD-1-2007

v.)

AFSCME Missouri/Kansas 72; Fraternal Order of)
Police, Lodge No. 59; Graphic Communications)
Union Local 49C; International Association of)
Fire Fighters Local 64, Kansas Association of)
Public Employees, Kansas Council of Government)
Engineers & Scientists; Kansas State Troopers)
Association, National Association of Government)
Employees; Teamsters Local 696 and Teamsters)
Local 795,)

Respondents.)

**ORDER ON PETITIONER'S MOTION TO ADOPT PETITION
FOR REALIGNMENT OF BARGAINING UNITS AND
VOLUNTARILY RECOGNIZE EMPLOYEE ORGANIZATIONS**

NOW on this 26th day of April, 2007, Petitioner's Motion to Adopt Petition for Realignment of Bargaining Units and Voluntarily Recognize Employee Organizations in the above-captioned Petition for Unit Determination came on for decision pursuant to K.S.A. 75-4321 *et seq.* and K.S.A. 77-514(a) before presiding officer Douglas A. Hager.

APPEARANCES

Kansas Department of Administration appears through staff counsel, Allison K. Burghart.

AFSCME appears through its Lead Organizer, Michael Hatcher. The State Fraternal Order of Police, Fraternal Order of Police, Lodge No. 59 and Fraternal Order of Police, Lodge No. 64 appears through counsel, Sean P. McCauley, Steve A. J. Bukaty, Chartered. Graphic Communications Union Local 49C appears by Mike Vannordstrand, President. International Association of Fire Fighters, Local 64 appears by James R. Waers, BLAKE & UHLIG, P.A. Kansas Association of Public Employees appears through its Field Representative, David Riedesel. Kansas Council of Government Engineers & Scientists appears by Mark Hurt, President. Kansas State Troopers Association appears by Steven F. Kearney, Kearney Law Office. National Association of Government Employees appears by Regional Counsel, Ray Schultz. Teamsters Local 696 and Teamsters Local 795 appear jointly by Angela M. Atkinson, BLAKE & UHLIG, P.A.

PROCEEDINGS

On March 9, 2007, Petitioner, Kansas Department of Administration (hereinafter "Petitioner" or "KDOA"), filed a Petition for Unit Determination to this agency, the Kansas Public Employee Relations Board, on a special form provided by the Board for that purpose. Petitioner seeks the determination that a new series of sixteen statewide bargaining units comprised as detailed per attachments provided with the petition

constitute more appropriate bargaining units than the forty-two units currently recognized under the Kansas Public Employer-Employee Relations Act (hereinafter "PEERA" or the "Act"), K.S.A. 75-4321 *et seq.* Petition, March 9, 2007.

Respondents each timely filed their respective responses to the Petition on various dates. Of those responses, there were no objections to the proposed realignment, with exception of the response filed by the Steve A. J. Bukaty law firm on behalf of Respondent lodges of the Fraternal Order of Police. FOP Respondents objected to the petition, alleging that the petition fails to state grounds upon which relief can be granted, and asserting that the contract bar and election bar rules preclude Petitioner's request.

On April 13, 2007, Petitioner filed the instant motion and legal memoranda.

ISSUES OF LAW

The legal issue for resolution under Petitioner's motion in this matter is whether the bargaining units proposed by Petitioner constitute appropriate bargaining units per the statutory factors listed at K.S.A. 75-4327, such that their determination to be appropriate units, having the practical effect of amending bargaining units currently in existence, is an appropriate exercise of the discretionary authority of the Kansas Public Employee Relations Board.

STATEMENTS OF FACT

1. Petitioner is representative of the public employer as defined by K.S.A. 75-4322(h) and has standing to propose this action. Petition, March 9, 2007.

2. Respondents are each employee organizations or bargaining representatives such that each is an appropriate respondent to issues raised by this petition.

3. The Public Employee Relations Board, by order dated May 16, 1974, concurred with hearing officer Matthew J. Dowd's recommendation that nine separate statewide bargaining units be established for administrative services employees, fiscal and staff professional employees, inspection and regulatory employees, professional-legal employees, operational service employees, patient care-professional employees, non-guards at penal institutions, physical and natural science professional employees and technical employees. Order, In re: Unit Determination of Appropriate Units for Public Employees of the State of Kansas, PERB Case No. UD-1-1974 (September 4, 1974). In addition to the nine statewide units, the unit determination order established seven separate units of nonprofessional employees of the Highway department, four units of security services employees in four designated areas, seven units of nonprofessional social services employees in designated areas, and nine units of nonprofessional employees at state institutions. *Id.* See also, Raymond Goetz, *The Kansas Public Employer-Employee Relations Law*, 28 KAN. L. REV. 243, 256 (1980)(hereinafter "Goetz").

4. In the thirty-plus years since PERB's adoption of the nine statewide employee bargaining units described in Finding of Fact No. 3 above, there have periodically been additional units proposed as the desire for representation has evolved in otherwise unrepresented groups of employees. At the time this petition was presented, there were a total of forty-two bargaining units in the statewide system, exclusive of those at Regents' institutions.

5. None of the state bargaining units have had a representative certified within the past one year period, except that for the employees for proposed unit 14.

6. No elections for representation are contemplated, nor required, by this petition.

7. By its petition, the Kansas Department of Administration, on behalf of all state agencies, boards, commissions and other units of state government, has evinced its agreement to recognize the appropriate bargaining representative for each proposed unit, as follows: Unit 1, Maintenance, Trades and Technical Unit, AFSCME/KAPE/KOSE¹; Unit 2, Administrative Support Unit, AFSCME/KAPE/KOSE; Unit 3, Health and Human Care Non-professional Unit, AFSCME/KAPE/KOSE; Unit 4, Social Services, Counseling and Teachers Unit, AFSCME/KAPE/KOSE; Unit 5, Administrative Professional Unit, no representation; Unit 6, Protective Services Unit, AFSCME/KAPE/KOSE; Unit 7, Uniform Police Employees Unit, Kansas State Troopers Association; Unit 8, Health and Human Care Professional Unit, no representation; Unit 9, Examining, Inspection and Licensing Unit, no representation; Unit 10, Engineering, Science and Resources Unit, Kansas Council of Government Engineers & Scientists; Unit 11, Printer Unit, Graphic Communications Union Local 49C; Unit 12, Fire Services Unit, International Association of Fire Fighters, Local 64; Unit 13, Operations Professional Unit, no representation; Unit 14, Youth Protective Services Unit, Teamsters Local 696 and Teamsters Local 795; Unit 15, Natural Resource Officer Unit, Fraternal Order of Police, Lodge No. 59; Unit 16, Law Enforcement Investigator Unit, AFSCME/KAPE/KOSE.

¹ The KDOA is voluntarily recognizing the Kansas Organization of State Employees, an employee organization created by the recent merger of KAPE and AFSCME, as the unit's bargaining representative.

CONCLUSIONS OF LAW/DISCUSSION

ISSUE

Whether the proposed bargaining units constitute appropriate units per the statutory factors listed at K.S.A. 75-4327, such that their determination to be appropriate units, having the practical effect of amending statewide units currently in existence, is an appropriate exercise of the discretionary authority of the Kansas Public Employee Relations Board?

1. Respondent is an appropriate employer within the meaning of K.S.A. 75-4321 *et seq.* Employees proposed for inclusion in the various proposed bargaining unit are “public employees” as that term is defined at K.S.A. 75-4322(a).
2. The Kansas Public Employer-Employee Relations Act (hereinafter “PEERA”, or “the Act”), found at K.S.A. 75-4321 *et seq.*, is the statutory framework governing public employee labor relations in Kansas. The Kansas legislature enacted PEERA for the express purpose of serving the public’s “fundamental interest in the development of harmonious and cooperative relationships between government and its employees.” K.S.A. 75-4321(a)(1). The Act provides that “[p]ublic employees shall have the right to form, join and participate in the activities of employee organizations of their own choosing, for the purpose of meeting and conferring with public employers or their designated representatives with respect to grievances and conditions of employment.” K.S.A. 75-4324.
3. Consistent with its declaration of policy and objectives, the PEERA provides a framework of laws for the formation and recognition of organizations as employee representatives for the purpose of meeting and conferring with public employers with

respect to grievances and conditions of employment. *See* K.S.A. 75-4327. PEERA is administered by a five-member Public Employee Relations Board (hereinafter "PERB", or the "Board"). "The primary functions of the Board are to make determinations as to the appropriate unit, conduct representation elections, and adjudicate charges of prohibited practices." Goetz, *supra*, at pp. 250-51. The source of the Board's authority to determine the scope of a proper unit is found in K.S.A. 75-4327(c), which provides:

"When a question concerning the designation of an appropriate unit is raised by a public agency, employee organization, or by five or more employees, the public employee relations board, at the request of any of the parties, shall investigate such question, and, after a hearing, rule on the definition of the appropriate unit in accordance with subsection (e) of this section."

4. In Goetz' "comprehensive article examining the nature and operation of PEERA", *State v. Public Employees Relations Bd.*, 894 P.2d 777, 782, 257 Kan. 275 (1995), the author observed that "[u]nder any orderly procedure for resolving disputes over representative status and recognition of an employee organization, a threshold question is whether the group of employees the organization seeks to represent constitutes 'an appropriate unit'." Goetz, *supra*, at 252. "The unit consists of a designated group of employees described by classes of jobs or positions". *Id.*

5. A bargaining unit is a group of employees who may properly be grouped together for the purposes of participating in a PERB election and for meeting and conferring relative to terms and conditions of employment. The PERB's role in determining the appropriateness of a unit arises only when there is an unresolved disagreement over the proposed unit or when such a unit is contrary to the policies of PEERA. It is the Board's

duty to determine whether the units set out in the petition for unit determination are "appropriate".

6. State law does not require that the bargaining units approved by the Board be the only appropriate units, or even the most appropriate units; it is only required that the units be appropriate units. *Teamsters Local Union #955 v. Wyandotte County, Kansas*, Case No. 75-UDC-3-1992 (August 5, 1993); *United Rubber Workers Local Union 851 v. Washburn University of Topeka*, Case No. 75-UDC-3-1994 (September 16, 1994); *City of Wichita, Kansas v. Fraternal Order of Police, Lodge No. 5*, 75-UCA-1-1994 (October 27, 1995).

7. In each case where a question of unit composition is at issue, K.S.A. 75-4327(c) requires the PERB to rule on the definition of the "appropriate unit" in accordance with specific factors set out in K.S.A. 75-4327(e). The PERB

"shall take into consideration, along with other relevant factors: (1) The principle of efficient administration of government; (2) the existence of a community of interest among employees; (3) the history and extent of employee organization; (4) geographical location; (5) the effects of overfragmentation and the splintering of a work organization; (6) the provisions of K.S.A. 75-4325 and amendments thereto; and (7) the recommendations of the parties involved."

K.S.A. 75-4327(e).

8. To aid in the implementation of the foregoing, K.A.R. 84-2-6 was enacted, providing that

"(1) Any unit may consist of all of the employees of the public employer, or any department, division, section or area, or party or combination thereof, if found to be appropriate by the board, except as otherwise provided in the act or these rules. (2) In considering whether a unit is appropriate, the provisions of K.S.A. 75-4327(e) and whether the

proposed unit of the public employees is a distinct and homogeneous group, without significant problems which can be adjusted without regard to other public employees of the public employer shall be considered by the board or presiding officer, and the relationship of the proposed unit to the total organizational pattern of the public employer may be considered by the board or presiding officer. Neither the extent to which public employees have been organized by an employee organization nor the desires of a particular group of public employees to be represented separately or by a particular employee organization shall be controlling on the question of whether a proposed unit is appropriate.”

9. Because of the number of factual considerations that must be taken into account in deciding upon an appropriate bargaining unit, the PERB has not found it possible to enunciate a clear test. *Teamsters Local Union #955 v. Wyandotte County, Kansas*, Case No. 75-UDC-3-1992 (August 5, 1993). While the applicable statute and regulation enumerate specific factors to be considered in making the unit determination, the list is not exclusive, and the weight to be assigned to each factor is within the sole discretion of PERB. *Kansas Association of Public Employees v. Department of Social and Rehabilitative Services, Rainbow Mental Health Facility*, Case No. 75-UCA-6-1990 (February 4, 1991). In deciding upon an appropriate bargaining unit, the PERB uses a case-by-case analysis and is given considerable discretion in making a decision. *City of Wichita, Kansas v. Fraternal Order of Police, Lodge No. 5*, 75-UCA-1-1994 (October 27, 1995).

10. As previously stated, K.S.A. 75-4327(e) provides that in determining whether a proposed bargaining unit is “appropriate”, the PERB must consider, “along with other relevant factors”, the efficient administration of government, a community of interest among employees, history and extent of employee organization, geographical location, overfragmentation and splintering of a work organization, K.S.A. 75-4325 (excluding

supervisors from the definition of public employees), and the parties' recommendations. One of the foregoing factors can be disposed of summarily. None of the parties present an argument with regard to supervisory status of any position proposed for inclusion in the unit. The remaining factors for consideration are addressed as follows.

Efficient Administration of Government

11. Petitioner largely bases its petition on this factor and the related one concerning overfragmentation of units. According to KDOA's petition, "[t]he statutory considerations . . . of 'efficient administration of government' and 'overfragmentation'

take on a heightened importance due to the size and diverse functions of state government, including the fact that the state of Kansas (excluding Regents institutions) has in excess of 24,000 active employees, more than 100 agencies, boards and commissions, and approximately 560 job classifications. The proliferation of bargaining units has yielded a disorganized, inefficient, and unstructured system providing limited coverage for state employees thereby creating the need to modify the current unit structure."

Petitioner's Brief in Support of Petition for Unit Determination, March 9, 2007. p. 4. In its response in support of this realignment of units, Respondent's AFSCME and KAPE noted that, in their view.:

"the meet and confer process between employee organizations representing state employees and the representatives of the state of Kansas has not been effective because economic matters, specifically wage and wage related issues, cannot be effectively addressed at the bargaining unit level. Because the state has a standard classification and pay plan affecting employees of all state agencies, it is axiomatic that bargaining must occur across state agencies and is best accomplished on a state-wide, classification group basis. In other words, bargaining is best accomplished when employees in the same classification, regardless of employing agency, are in the same bargaining unit. The unit structure proposed by

the petitioner transitions to such broad, classification based units and is, therefore, worthy of adoption by the Board as the most appropriate unit structure for state government.”

Answer to Petition, filed by AFSCME and KAPE, merged as KOSE, April 4, 2007, p. 2.

The presiding officer notes that these perspectives, both that of Petitioner and of Respondents AFSCME and KAPE, are credible and should be given substantial consideration. “[T]he more units of employees with which a public employer must deal, the more time and effort will have to be devoted to employee relations problems, the greater the number of disputes and likelihood of impasse, and the more rivalries between different employee organizations.” Goetz, *supra*, at 252. As Goetz’ article suggests, “the [statutory factor of] efficient administration is designed to protect the interest of the public in having a particular agency or subdivision of government that is capable of carrying out its designated functions with a minimum expenditure of time, effort and money.” *Id.*, at 255. Common sense suggests that Petitioner’s position in this matter is strongly supported by this factor. By realigning the state’s bargaining units as proposed the PERB will be furthering the intention of the PEERA. More state employees will be represented for meeting and conferring relative to terms and conditions of employment and with respect to grievances and it may well be that by representing larger numbers of employees, across a broader spectrum of agencies and classifications, bargaining representatives will be better able to effectively negotiate on behalf of their units’ members and will be successfully able to create a better environment for negotiations.

Community of Interest Among Employees

12. "Community of interest" is not susceptible to precise definition or to mechanical application. Morris, *The Developing Labor Law*, Ch. 11, p. 417 (2nd ed. 1989). Though "its determinants are so vague that application to specific cases leaves considerable room for discretion", the requirement of a community of interest among employees of a unit is the "most fundamental" of the statutory factors set out at K.S.A. 75-4327(c), and was described by Goetz as being "essential" to an appropriate bargaining unit. Goetz, *supra*, p. 254. "The reasons for its preeminence are quite practical. . . . by requiring a cohesiveness within the unit and a degree of isolation from other employees of the same employer, it tends to assure effectiveness of any bargaining or meeting and conferring that may occur." *Id.* "Representatives of both employer and the employees are then able to concentrate on issues of real concern to a majority of the employees in the unit, without being distracted by demands of minority factions that might be militant enough to block settlement." *Id.* "Second, it protects the interests of an identifiable and unified group whose numbers might be too small to provide an effective voice if they had to be combined with a larger number of other employees intent on promoting their own interests." *Id.*

13. The "touchstones" historically used by the PERB in analysis of unit appropriateness include the following elements: (1) common supervision of employees; (2) functional integration of operations and job duties; (3) similar skills, training and qualifications; (4) interchangeability and contact between employees; (5) similar work situations; (6) common wages and benefits; (7) payment of wages; (8) working hours; (9) regularity of work (full-time, part-time, temporary, seasonal); and, (10) geographic

proximity.² See *City of Wichita, Kansas v. Fraternal Order of Police, Lodge No. 5*, 75-UCA-1-1994 (October 27, 1995); *Teamsters Local Union #955 v. Wyandotte County, Kansas*, Case No. 75-UDC-3-1992 (August 5, 1993). Consideration of these elements suggests that while the employees comprising the smaller units among those proposed will share a stronger community of interest with one another than will the multitudes of employees comprising the larger units, there is nothing sacred or immutable about the current unit structure. All state employees “have certain interests in common by virtue of their having the same employer”, that is, the state of Kansas. Goetz, at 254. For example, all state employees share certain of the above elements, such as benefits, and time and manner of payment of wages. And, when judged by other elements of the unit appropriateness analysis set out above, the various classes of employees and units proposed by Petitioner do share a community of interest sufficient to warrant their adoption, particularly when one considers the overwhelmingly supportive recommendations of all affected parties, save one. Accordingly, the presiding officer concludes and recommends to the PERB that the statutory factor “community of interest” favors granting Petitioner’s request and that this factor be accorded substantial import in the Board’s ultimate decision.

History and Extent of Employee Organization

14. The statutory factor of history and extent of employee organization favors Petitioner’s request. In the instant matter, the parties are well aware of the history and extent of employee organization, and each, save one, supports Petitioner’s proposed

actions. In the three-plus decades since PERB's 1974 order establishing the statewide bargaining units, there has never been an attempt to certify a bargaining representative for certain of the units established at that time. Whether the units proposed in the instant matter that are not currently represented will have any greater likelihood of securing representation is an open question. Only time will tell. Overall, however, under the proposed unit structure more state employees are included in bargaining units that are represented than under the current unit alignment. This factor weighs heavily in favor of Petitioner's request and should be accorded great weight in the Board's ultimate determination.

Geographical Location

15. The statutory factor of geographical location has been construed by the PERB to mean "where members of the proposed unit work in the same physical area". *Teamsters Local Union #955 v. Wyandotte County, Kansas*, Case No. 75-UDC-3-1992 (August 5, 1993). The units proposed by this petition are, for the most part, comprised without regard to geographic location, with some exceptions. That is to say, the proposed units are largely those consisting of statewide "horizontal" units, without commonality of location. Several of the smaller units, however, do consist of employees concentrated in common locations. The presiding officer concludes and recommends that the statutory factor of geographical location is supportive, generally, of certain of Petitioner's proposed units and does not unduly detract from the logic and reasoning for the composition of the other proposed units.

Effects of Overfragmentation and Splintering of a Work Organization

16. With regard to this factor, Goetz observed that

“[a] crazy quilt of small units in competition with each other and out of kilter with the organizational lines of the agency undoubtedly would result in needless inefficiency. It might even be argued that the most efficient unit would be one coextensive with the unit of government involved. If the legislature had intended that result, however, it could have simply mandated statewide units and omitted the factor of geographical location. Because the legislature did not take that simplistic approach, it has left PERB with the delicate task of balancing the public interest in efficiency of administration with the legitimate aspiration of public employees to be represented in a unit that can work effectively toward common goals.”

Goetz, *supra*, at 255. Most of the proposed units, particularly the largest ones, are comprised of similarly classified employees drawn from numerous agencies, boards and commissions statewide. State law provides that an appropriate unit may consist of all employees of a public employer, or any department, division, section or area, or party or combination thereof, if found to be appropriate by PERB. K.A.R. 84-2-6(a)(1).

17. Previous orders of the Board have dealt with this factor by noting that

“[o]verfragmentation, if allowed, causes an employer to bargain on a nearly neverending basis with a proliferation of highly individualized units, each accorded all the rights of a certified representative. And, if allowed to exist, the employer can be caused to expend vast amounts of time and resources on bargaining and impasse resolution over issues which could have been addressed for all such unit employees in a single set of bargaining sessions. Once fragmented units are certified, a refusal to accord each with all of their rights creates the grounds for unfair labor practice charges, further depleting the employer's time and resources.

Splintering of a work organization is a condition wherein the employees have been separated into units of such little importance, size, or strength that their requests and/or demands may be ignored by the employer with impunity from the consequences of its actions.”

Kansas University Police Officers Association v. University of Kansas, Police Department, Case No. 75-UDC-6-1988 (July 25, 1988). As noted above, clearly one of the primary reasons for KDOA's petition is to alleviate the adverse effects of overfragmentation or splintering. As Petitioner noted in its March 9, 2007 brief,

"[t]his comprehensive occupational based unit modification approach will benefit the State of Kansas, employee organizations and State of Kansas employees. This proposal will foster a more efficient administration of government and eliminate the effect of the current overfragmentation and splintering of the bargaining units. Employee organizations will be better situated to focus upon issues of common interest rather than simply competing as small units with one another for available resources. Many public employees will also benefit, as the proposed new structure will place a large number of employees that currently are either not in PERB-established units or are in units without certified representatives into a represented bargaining unit."

As was noted as likely being the case regarding the factor "efficient administration of government", common sense also suggests that Petitioner's position in this matter is strongly supported by this factor.

Recommendations of the Parties

As noted previously, the responses received to this petition are uniformly supportive, with the exception of concerns voiced by counsel for the Fraternal Order of Police, Lodge No. 59, Lodge No. 64 and the State FOP. While the presiding officer understands and empathizes with these concerns, given the benefits and advantages offered by this proposal and the overwhelming support for the proposal from each of the other employees' representatives, it is the presiding officer's conclusion that the petition establishes appropriate bargaining units and that this structure should be adopted. None of

the defenses raised by the FOP are sufficient to block adoption of the proposed unit structure as a matter of law. Petitioner does allege grounds sufficient upon which to grant relief and the contract bar rule is not implicated in this matter because no representative elections are contemplated. *See* K.S.A. 75-4327(d). Petitioner is voluntarily recognizing the appropriate employee representatives in each represented unit. Statement of Fact (SOF) No. 7. Further, even were elections contemplated, the FOP lacks standing to invoke the contract bar rule as to any unit but its own. As to the election bar rule, this also is inapplicable, as only one of the current units has had its representative certified within the past one year, SOF No. 5, and this representative concurs in adoption of this unit structure and did not invoke the election bar rule. *Id.* Even had the election bar rule been invoked, the Board, if it “determines that sufficient reason exists” can reconsider whether to apply it, effectively negating the election bar rule. In the presiding officer’s view, this petition constitutes “sufficient reason”, were one necessary. However, in view that this action does not contemplate an election nor the certification of any bargaining unit representative, the election bar rule is not applicable in the first instance.


CONCLUSION

After careful review of the petition, responses and the motion, and after consideration of all statutory and regulatory provisions bearing on the question here in dispute, and based upon the representations of Petitioner that it will voluntarily recognize, for purposes of bargaining, the employee organizations now representing the employees of the various units, including taking appropriate recognition of the effect of the merger

by AFSCME and KAPE into the Kansas Organization of State Employees,³ it is the conclusion of the presiding officer that the bargaining units proposed by Petitioner, comprised of those classifications and positions as set forth in the petition's attached documentation, are appropriate bargaining units as that term is contemplated by the Kansas Public Employer-Employee Relations Act, K.S.A. 75-4321 *et seq.*, and that such action would be an appropriate exercise of the Board's discretionary authority. Petitioner's motion to adopt petition for realignment of state bargaining units is herein granted.

IT IS SO ORDERED.

Dated this 26th day of April, 2007.



Douglas A. Hager, Presiding Officer
Public Employee Relations Board
1430 SW Topeka Blvd.
Topeka, Kansas 66612
(785) 368-6224

NOTICE OF RIGHT TO REVIEW

This Order is your official notice of the presiding officer's decision in this case. The order may be reviewed by the Public Employee Relations Board, either on the Board's own motion, or at the request of a party, pursuant to K.S.A. 77-527. Your right to petition for a review of this order will expire eighteen days after the order is mailed to you. See K.S.A. 77-527(b), K.S.A. 77-531 and K.S.A. 77-612. To be considered timely, an original petition for review must be received no later than 5:00 p.m. on May 14, 2007 addressed to: Public Employee Relations Board & Labor Relations, 427 SW Topeka Blvd., Topeka, Kansas 66603.

³ See Statement of Fact No. 7, above.

CERTIFICATE OF SERVICE

I, Sharon L. Tunstall, Office Manager for PERB and Labor Relations, Kansas Department of Labor, hereby certify that on the 26th day of April, 2007, a true and correct copy of the above and foregoing Order was served upon each of the parties to this action and upon their attorneys of record, if any, in accordance with K.S.A. 77-531 by depositing a copy in the U.S. Mail, first class, postage prepaid, addressed to:

Allison Burghart, Attorney at Law
Kansas Dept. of Administration
900 SW Jackson, Ste. 107
Topeka, KS 66612

Michael Hatcher, Lead Organizer
AFSCME
1300 SW Topeka Blvd.
Topeka, KS 66612

David Riedesel, Field Representative
KAPE
1300 SW Topeka Blvd.
Topeka, KS 66612

Sean P. McCauley, Attorney at Law
Steve A. J. Bukaty, Chartered
8826 Santa Fe Drive, Ste. 218
Overland Park, KS 66212

James R. Waers, Attorney at Law
BLAKE & UHLIG, P.A.
753 State Avenue, Ste. 475
Kansas City, KS 66101

Angela M. Atkinson, Attorney at Law
BLAKE & UHLIG, P.A.
753 State Avenue, Ste. 475
Kansas City, KS 66101

Mike Vannordstrand, President
Graphics Communications Union
Local 49C, AFL-CIO
3415 SE Massachusetts
Topeka, KS 66605

Steven F. Kearney, Attorney at Law
Kearney Law Office, P.A.
1200 SW 10th Street
Topeka, KS 66601

Mark Hurt, President
Kansas Council of Government
Engineers & Scientists
c/o Kansas Department of Transportation
700 SW Harrison Street
Topeka, KS 66603-3754

Raymond Schultz, Regional Counsel
NAGE/SEIU
14 Park Place
Belleville, IL 62226

Les Hughes, Labor Negotiator
Kansas Department of Administration
900 SW Jackson, Rm. 252-S
Topeka, KS 66612-1220

And to the members of the PERB on April _____, 2007.

RECEIVED

APR 27 2007

Department of
Administration
Legal Section

Sharon L. Tunstall
Sharon L. Tunstall, Office Manager